

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 13, 2007

D050407 In re Alexandria M. et al., Juveniles

It is ordered that the opinion filed on October 16, 2007, is modified. There is no change in judgment. The opinion is ordered certified for publication.

D051295 Vallandingham v. Workers' Compensation Appeals Board and Four Seasons Resort Aviara et al.

The petition is denied.

D047341 People v. Martin et al.

As to Sison, the judgment of conviction on count 1 (Arnquist carjacking) is reversed. In all other respects, the judgment is affirmed. As to Martin, the judgment is affirmed in its entirety. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D050711 People v. Petty

The judgment is affirmed. The case is remanded to the trial court so that it may correct the abstract of judgment to delete the references to the Health and Safety Code, section 11370.2, subdivision (a) enhancements as to count 2. The court shall forward the amended abstract of judgment to the Department of Corrections and Rehabilitation. O'Rourke, J.; We Concur: McConnell, P.J., McIntyre, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron
Clerk: D. Moore

D049559 People v. Bruce

D051047 In re Bruce on Habeas Corpus

Cause called on merits. Allison Stanley, Esq. argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Ms. Stanley replied. Cause submitted as to appeal only, D049559.

D049946 Bloemendaal v. City of El Cajon

Cause called on merits. Stephen J. Horvath, Esq. argued for appellant. Steven E. Boehmer, Esq. argued for respondent. Mr. Horvath replied. Cause submitted.

Court recessed at 9:40 a.m. to change panel members. New panel members: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

D050383 People v. Sanchez

Cause called on merits. Tracy Jan Dressner, Esq. argued for appellant. Eric Swenson, Deputy Attorney General argued for respondent. Ms. Dressner replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 13, 2007 (Continued)

D048669 Cheng v. Ellis et al.

Cause called on merits. Thomas J. Gray, Esq. argued for appellant. Kendra Hall, Esq. argued for respondent. Mr. Gray replied. Cause submitted.

Court recessed at 10:30 a.m.

Court reconvened at 10:30 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre
Clerk: D. Moore

D042545 San Diego Metropolitan Transit Development Board v. R V Communities

Cause called on merits. Bruce W. Beach, Esq. argued for appellant. Charles Bird, Esq. argued for respondent. Mr. Beach replied. Cause submitted.

Court recessed at 11:02 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke
Clerk: D. Moore

D050277 Rogers v. The San Diego County Regional Airport Authority

Cause called on merits. Leon E. Campbell, Esq. argued for appellant. Eric Martin Acker, Esq. argued for respondent. Mr. Campbell replied. Cause submitted.

Court recessed at 1:56 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D049621 Osoff et al. v. Fire Insurance Exchange

Cause called on merits. Jon B. Miller, Esq. argued for appellant. Robert Wright, Esq. argued for respondent. Mr. Miller replied. Cause submitted.

D048780 Kalas v. Resendiz Brothers Protea Growers, LLC

Cause called on merits. Jason Litt, Esq. argued for appellant/cross-respondent. John Morris, Esq. argued for respondent/cross-appellant. Mr. Litt replied. Mr. Morris replied on cross appeal. Cause to be submitted at a later date.

D046967 Sun Plumbing Co., Inc. v. Brehm Homes

Cause called on merits. Lisa Cooney, Esq. argued for appellant, Sun Plumbing. B. J. Haeck, Esq. argued for appellant, Brehm Homes. Ms. Cooney replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 13, 2007 (Continued)

D048379 Rancho Mesa Residents Inc., et al. v. Manufactured Home Communities Inc., et al.
D049906 Rancho Mesa Residents Inc., et al. v. Manufactured Home Communities Inc., et al.
Cause called on merits. Michael Stump, Esq. argued for appellant. Elliott L. Bien, Esq. argued for respondent. Mr. Stump replied. Cause submitted.

Court recessed at 3:40 p.m. until Wednesday, November 14, 2007 at 9:00 a.m.

D051103 Whitsett v. Elouaradia

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party shall bear his or her own costs on appeal.

D051189 A.V. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition for rehearing is denied.

D049898 In re Angel M., a Juvenile

The petition for rehearing is denied.

D051458 In re Brown on Habeas Corpus

The petition is denied.

D051984 Katz v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Payment of the fine, attorney's fees and costs is temporarily stayed pending further order of this court. On or before Friday, November 16, 2007 at 12:00 p.m., real party is directed to file an informal response addressing the following: (1) the need for a stay pending resolution of the writ proceeding, and (2) petitioner's offer to stipulate to a judicial lien on his home.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 14, 2007

D048596 Sanders v. Alcoholics Anonymous World Services Inc., et al.

D048834 Sanders v. Alcoholics Anonymous World Services Inc., et al.

The judgment is affirmed insofar as it concerns the fraud cause of action. The judgment is reversed insofar as it concerns the breach of contract cause of action, and the court is directed to enter an order denying AAWS's and NAWs's demurrers on the contract cause of action. The parties are to bear their own costs on appeal. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

D051522 In re Thomas on Habeas Corpus

The petition is denied.

D050393 People v. Gibson

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D049524 People v. Smeltzer

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Nares, J.

D051426 In re Singleton on Habeas Corpus

The petition is denied.

D047612 Reynoso v. Eye Surgery Center of Southern California et al.

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.

D051307 In re Lucas W. et al., Juveniles

The appeals are dismissed. McConnell, P.J.; We Concur: Nares, J., McDonald, J.

D051799 In re Marshall on Habeas Corpus

The petition is denied.

D051356 Surfrider Foundation v. City of Solana Beach et al.

The appeal filed July 27, 2007, is DISMISSED because appellant did not timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 8.120(c), 8.130(b), 8.140).

D051901 Tafiele v. The Superior Court of San Diego County/People

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. Moore

D049262 People v. Moline et al.

Cause called on merits. Christopher Blake, Esq. argued for appellant, Newlin. Marissa Bejarano, Deputy Attorney General argued for respondent. Mr. Blake replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 14, 2007 (Continued)

Court recessed at 9:18 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

D049124 The Wellington Group, LLC v. State of California Department of Transportation
Cause called on merits. Terry J. Hellenkamp, Esq. argued for appellant. Sari Piper Myers, Esq. argued for respondent. Mr. Hellenkamp replied. Cause submitted.

D047861 Bill Signs Trucking, LLC et al. v. The Signs Family Limited Partnership et al.
Cause called on merits. Jeffrey A. Miller, Esq. argued for appellant. William L. Fischbeck, Esq. argued for respondent, Lori Signs. George A. Foster, Esq. argued for respondent, Duncan. Mr. Miller replied. Cause submitted.

Court recessed at 10:22 a.m. to change panel members. New panel members: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

D050015 In re Gilberto T., a Juvenile
Cause called on merits. Lewis A. Wenzell, Esq. argued for appellant. Jane Ong, Certified Law Student argued for respondent. Cause submitted.

D049201 Butler v. Rand
Cause called on merits. Eric Aguilera, Esq. argued for appellant. Jeremy K. Robinson, Esq. argued for respondent. Robert J. Francavilla, Esq. was present in oral argument for respondent, but did not argue. Mr. Aguilera replied. Charles A. Longo, Esq. was present in oral argument for Liberty Mutual, but did not argue. Cause submitted.

Court recessed at 11:04 a.m. until 1:00 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron
Clerk: D. Moore

D048344 Intergulf Development (Kettner), LLC v. Connelly
D046932 Intergulf Development (Kettner), LLC v. Connelly
Cause called on merits. Mary Katherine Reynolds, Esq. argued for appellant. H. Paul Kondrick, Esq. argued for respondent. Ms. Reynolds replied. Cause submitted.

Court recessed at 1:45 p.m.

Court reconvened at 1:55 p.m.
Present: The Honorable Terry O'Rourke, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 14, 2007 (Continued)

D050824 In re V F. et al., Juveniles

Cause called on merits. Leslie A. Barry, Esq. argued for appellant. Gary Seiser, Deputy County Counsel argued for respondent. Carl Fabian, Esq. argued for the children. Ms. Barry replied. Cause submitted.

D048328 Bratcher v. Automobile Club of Southern California

D048933 Bratcher v. Automobile Club of Southern California

Cause called on merits. Duke L. Peters, Esq. argued for appellant. Richard Edward Quintilone, Esq. was present in oral argument for appellant, but did not argue. Derek Benjamin Lipscombe, Esq. argued for respondent. Mr. Peters replied. Cause submitted.

D048643 Dicola et al. v. White Brothers Performance Products Inc., et al.

D049848 Dicola et al. v. White Brothers Performance Products Inc., et al.

Cause called on merits. Zachary M. Lemley, Esq. argued for appellant. Stacy King, Esq. was present in oral argument with Mr. Lemley, but did not argue. Phillip Richard Marrone, Esq. argued for respondent, Tolemar, Inc. Edward Leonard, Esq. argued for respondent, White Brothers Performance Products, Inc. Mr. Lemley replied. Cause submitted.

Court recessed at 3:14 p.m. until Thursday, November 15, 2007 at 9:00 a.m.

D047566 Couvrette v. Couvrette

The request for publication is denied.

D051349 Desai v. U.S. Bank National Association

The matter having been considered by Presiding Justice McConnell and Associate Justices Huffman and Irion, the appeal is DISMISSED on the ground the appellants aggrieved by the judgment from which the appeal is taken are corporations that are not represented by licensed counsel.

D049315 Lewis v. Robinson Ford Sales, Inc.

The petition for rehearing or, in the alternative, modification of the opinion is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 15, 2007

D048986 Sharp Healthcare et al. v. County of San Diego et al.

The judgment in favor of respondents is reversed. The trial court is directed to enter an order granting the County's motion for summary adjudication, and to enter a judgment consistent with this opinion. Respondents shall pay the County's costs on appeal. Haller, J.; We Concur: McConnell, P.J., Huffman, J.
CERTIFIED FOR PUBLICATION

D051486 In re Oscar M., a Juvenile

The appeal is dismissed. Irion, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D050185 William G. McKee, Inc. v. Ritzinger

The petition for rehearing is denied.

D048728 People v. Farnsworth

The petition for rehearing is denied.

D050369 People v. Bowman

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., McDonald, J.

D051557 In re Ausler on Habeas Corpus

The petition is denied as repetitive.

D047991 People v. Cowans

The judgment is modified to strike the Penal Code section 1202.45 restitution fine. As so modified, the judgment is affirmed. The trial court is ordered to correct the abstract of judgment accordingly and send the new abstract of judgment to the Department of Corrections and Rehabilitation. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

D049737 Millard v. Biosources, Inc.

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.
CERTIFIED FOR PUBLICATION

D051525 In re Bartholomew on Habeas Corpus

The petition is denied without prejudice to re-filing with a complete Board hearing transcript and decision.

D051550 In re Lopez on habeas Corpus

The petition is denied.

D051539 Vesco v. Superior Court of San Diego County/San Diego Community Correctional Center et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 15, 2007 (Continued)

D051627 Desai v. Fidelity Nation Title Insurance Company

Under California Rules of Court, rule 8.140, the appeal filed on September 4, 2007, is DISMISSED because appellant failed to timely designate the record with specificity (Cal. Rules of Court, rules 8.120(a)(4) and 8.130(a)(4)) and failed to timely deposit costs for preparing the record on appeal.

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron
Clerk: D. Moore

D045022 People v. Garces

Cause called on merits. William R. Salisbury, Esq. argued for appellant. Ron Jakob, Deputy Attorney General argued for respondent. Cause submitted.

Court recessed at 9:36 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Cynthia Aaron

D049514 Lutz et al. v. Huberman et al.

Cause called on merits. Donald Merkin, Esq. argued for appellant. James A. Mangione, Esq. argued for respondent. Mr. Merkin replied. Cause submitted.

Court recessed at 9:52 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke

D050408 In re Nolan W., a Juvenile

Cause called on merits. Kathleen M. Mallinger, Esq. argued for appellant. Gary Seiser, Deputy County Counsel argued for respondent. Julie E. Braden, Esq. was present in oral argument for Nolan W., but did not argue. Ms. Mallinger replied. Cause submitted.

D049537 Diaz et al. v. SCI California Funeral Services, Inc.

Cause called on merits. Martin Nebrida Buchanan, Esq. argued for appellant. Jill Marie Houlahan, Esq. argued for respondent. Mr. Buchanan replied. Cause submitted.

Court recessed at 11:04 a.m. to change panel members. New panel members: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

D049775 KMS Courier Inc., et al. v. McKesson Corporation et al.

Cause called on merits. Kirk D. Hanson, Esq. argued for appellant. Holly A. House, Esq. argued for respondent, McKesson Corporation. Matthew X. Oster, Esq. was present in oral argument for respondent, Amerisource, but did not argue. Mr. Hanson replied. Cause submitted.

Court recessed at 11:35 a.m. until 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 15, 2007 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke
Clerk: D. Moore

D048386 Lacher et al. v. East County Investigations et al.

Cause called on merits. Gastone Bebi, Esq. argued for appellant. Pamela Lacher, Esq. argued for respondent. Mr. Bebi replied. Cause submitted.

Court recessed at 1:51 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Alex McDonald

D049067 Hampton Realty and Mortgage v. Krause et al.

Cause called on merits. Amelia A. McDermott, Esq. argued for appellant. David J. Wilson, Esq. argued for respondent. Ms. McDermott replied. Cause submitted.

Court recessed at 2:08 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Gilbert Nares

D049382 Toler v. Quigley et al.

Cause called on merits. Susan Stricklin Wilson, Esq. argued for appellant. Boris Siegel, Esq. argued for respondent. Ms. Wilson replied. Cause submitted.

Court recessed at 2:43 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

D049920 McDaniel v. San Diego County Employees' Retirement Association Board of Retirement

Cause called on merits. Micah Yang, Esq. argued for appellant. Kenneth W. Baisch, Esq. was present in oral argument with Mr. Yang, but did not argue. Stanley Joseph Panikowski, Esq. argued for respondent. Mr. Yang replied. Cause submitted.

D049732 Preovolos v. Preovolos

Cause called on merits. Pajman Jassim, Esq. argued for appellant. Ralph E. Hughes, Esq. argued for respondent. Mr. Jassim replied. Cause submitted.

Court recessed at 3:10 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 15, 2007 (Continued)

D049332 Panther v. Mazzarela

Cause called on merits. Mary A. Lehman, Esq. argued for appellant. Douglas A. Pettit, Esq. argued for respondent. Ms. Lehman replied. Cause submitted.

Court recessed at 3:42 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and James McIntyre

D049589) Schweitzer v. Westminster Investments et al.

D049616) Schweitzer v. Westminster Investments et al.

Cause called on merits. Mark A. Maasch, Esq. argued for appellant/cross-respondent. Michael V. Hesse, Esq. argued for respondent/cross-appellant. Mr. Maasch replied. Mr. Hesse replied. Cause submitted.

Court recessed at 4:20 p.m. until Friday, November 16, 2007 at 9:00 a.m.

D050363 Moyle v. Golden Eagle Insurance Company et al.

Upon written stipulation filed by the parties to the appeal, the appeal and cross-appeal are DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party shall bear its own costs on appeal.

D051714 Byrd v. James

Pursuant to California Rules of Court, rule 8.140, the appeal filed September 26, 2007, is dismissed for appellant's failure to timely designate the record (Cal. Rule of Court, rules 8.120(a), 8.130(a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 16, 2007

D049999 People v. Stidum

The case is remanded for the limited purpose of correcting the probation report in accordance with the views expressed in this opinion. the judgment is affirmed in all other respects.
Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D051041 People v. Dennis

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D049387 TG Oceanside L.P. v. City of Oceanside et al.

The opinion filed October 19, 2007, is ordered certified for publication. The title of the opinion is modified. There is no change in the judgment. The petition for rehearing is denied.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Judith Haller
Clerk: D. Moore

D049409 People v. Lawson

Cause called on merits. Ava R. Stralla, Esq. argued for appellant. Suzanne Nicholls, Certified Law Student argued for respondent. Ms. Stralla replied. Cause submitted.

D049941 Nelson v. Bowers

Cause called on merits. Jeffrey T. Wilson, Esq. argued for appellant. Stacy Heather Rubin, Esq. argued for respondent. D. Patrick O'Laughlin, Esq. argued for respondent. Cause submitted.

D048711 People v. Benitez

Cause called on merits. Robert L. Swain, Esq. argued for appellant. Lise Jacobson, Deputy Attorney General argued for respondent. Mr. Swain replied. Cause submitted.

D050440 People v. Riker

Cause called on merits. Kimberly J. Grove, Esq. argued for appellant. William M. Wood, Deputy Attorney General argued for respondent. Cause submitted.

Court recessed at 9:54 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D050399 People v. Kinney

Cause called on merits. Marleigh Ann Kopas, Esq. argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Ms. Kopas replied. Cause submitted.

D051149 In re Aurelia D. et al., Juveniles

Cause called on merits. Neale Bachmann Gold, Esq. argued for appellant. Katherine Bird, Deputy County Counsel argued for respondent. Linda Fabian, Esq. argued for the minor. Ms. Gold replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 16, 2007 (Continued)

D050451 In re Ty R., a Minor

D051030 In re Kenneth B. on Habeas Corpus

Cause called on merits. William D. Caldwell, Esq. argued for appellant. Ted Youmans, Esq. argued for respondent. Linda Fabian, Esq. argued for the minor. Mr. Caldwell replied. Cause submitted as to D050451, only.

Court recessed at 10:47 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Judith Haller
Clerk: D. Moore

D048704 People v. Miller

Cause called on merits. Patrick Morgan Ford, Esq. argued for appellant. Susan Miller, Deputy Attorney General argued for respondent. Mr. Ford replied. Cause submitted.

Court recessed at 1:49 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

D050406 Rosales v. Imperial County Superior Court

Cause called on merits. John W. Breeze, Esq. argued for appellant. Fred M. Plevin, Esq. argued for respondent. Mr. Breeze replied. Cause submitted.

Court recessed at 2:37 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Alex McDonald

D050815 In re Darriana S. et al., Juveniles

Cause called on merits. Andrea St. Julian, Esq. argued for appellant, Darrin S. Julie E. Braden, Esq. was present in oral argument for appellant, Ramona R., but did not argue. William Henry Hook, Esq. was present in oral argument for the minor, Darriana S., but did not argue. Erica Gardner, Deputy County Counsel argued for respondent. Ms. St. Julian replied. Cause submitted.

D047700 Parker, Milliken, Clark, O'Hara & Samuelian v. De La Fuente, II et al.

Cause called on merits. Michael H. Fish, Esq. argued for appellant/cross-respondent, De La Fuente. Gregory Michael Salvato, Esq. argued for respondent/cross-appellant, Parker, Milliken. James Matthew Brown, Esq. was present in oral argument for respondent/cross-appellant, Parker, Milliken, but did not argue. Mr. Fish replied. Mr. Salvato replied. Cause submitted.

Court recessed at 4:05 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 16, 2007 (Continued)

D049449 Bjork v. State Farm General Insurance Company, et al.

Cause called on merits. John L. Staley, Esq. argued for appellant. Randall M. Nunn, Esq. argued for respondent. Mr. Staley replied. Cause submitted.

Court adjourned at 4:30 p.m.

D047566 Couvrette v. Couvrette

The petition for rehearing is denied.

D051186 In re Virgil on Habeas Corpus

The petition is denied.

D051366 Leuthold v. Superior Court of San Diego County/Haley et al.

The petition is denied.

D051814 Erickson et al. v. Fry's Electronics Inc., et al.

This court's order dated November 14, 2007, is VACATED. Appellant was properly placed in default for failure to serve and file in superior court either a notice designating a reporter's transcript or a notice of intent to proceed without a reporter's transcript as required by California Rules of Court, rule 8.130(a). After failure to cure the default, appellant was served with a Notice of Failure to Clear Default by superior court on November 6, 2007. Appellant having failed to clear the default or make application to this court for relief, the appeal is DISMISSED. (Cal. Rules of Court, rule 8.140(a)(1).)